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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,433	12/27/2001	Satoshi Arakawa	Q66574	1567

7590 03/14/2007
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

EXAMINER

MACKOWEY, ANTHONY M

ART UNIT	PAPER NUMBER
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2624

MAIL DATE	DELIVERY MODE
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03/14/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/026,433	Applicant(s) ARAKAWA, SATOSHI	
	Examiner Anthony Mackowey	Art Unit 2624	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

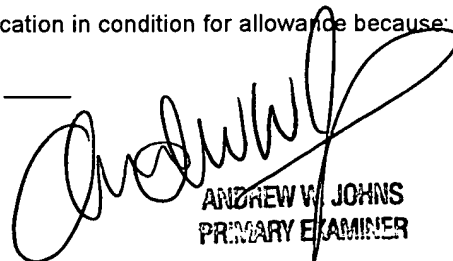
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 2-4, 6, 8, 9, 11-24, 26 and 27.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


ANDREW W. JOHNS
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because:

Claim 26 has been made independent and now incorporates all of the limitations of previously presented claims 5, 7, 25 and 26. Claims 8, 9, 21, 22 and 23 have been amended to depend from claim 26. In the Previous Office Action, claims 1-21 were rejected under 35 U.S.C. 102(b) as being anticipated by Shimura, claims 22 and 23 were rejected under 35 U.S.C. 103 as unpatentable over Shimura, claim 25 was rejected under 35 U.S.C. 103 as unpatentable over Shimura in view of Sones and claim 26 was rejected under 35 U.S.C. 103 as unpatentable over Shimura in view of Sones and Andrews. The scope of dependent claims 8, 9, 21, 22, 23 have changed, requiring new grounds of rejection, therefore, the proposed amendment raises new issues that would require further consideration and it is not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.

Applicant's arguments filed 15 February 2007 have been fully considered but they are not persuasive.

Regarding arguments presented for claims 6 and 13, Applicant submits Shimura does not include a common energy subtraction processing means. Applicant's submits, "There is no discussion of a common subtraction processing means to obtain the soft tissue image 47 and the bone image 43." Applicant further submits, "Shimura specifically contemplates use of different weighting coefficients, and thus different subtraction operations" (page 12, lines 1-8). The Examiner respectfully disagrees with Applicant's assertion. Examiner again refers to Figure 11 and column 14, lines 28-37 of the Shimura reference, clearly showing the energy subtraction processing is performed by a single image processing and displaying apparatus 30. The image processing and displaying apparatus 30 is performing both subtraction processes to obtain the bone and soft tissue images and therefore can be construed as a common energy subtraction processing means. Examiner concedes that the use of different weighting coefficients to perform the soft tissue and bone energy subtraction would indicate different subtraction operations. However, the Examiner fails to understand how the teaching of different weight coefficients used by the image processing apparatus in the two energy subtraction operations would indicate the subtraction processes are not being performed by the same image processing apparatus.

Regarding arguments presented for claims 24 and 26, Applicant submits the cited portions of the Andrews reference (col. 3, lines 22-33 and col. 5, lines 13-48) do not support the rejection (page 12, lines 12-13). Applicant's arguments are then drawn to the details of the Andrews reference and how the subtraction processing taught by Andrews differs from the present invention (remainder of page 12). One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In the Previous Office Action (pages 18-19), the Examiner relied upon the Andrews reference to teach an instruction means receiving an instruction from a user regarding the second energy subtraction processing prior to outputting the instructions for the second energy subtraction processing (page 19 of the Office Action citing col. 2, lines 43-61; col. 3, lines 23-33 and col. 5, lines 13-48) and relied upon the Shimura and Sones references to teach the other details of the image signal processing apparatus (see rejection of claims 5, 6, 7 and 25; pages 6-10, 19 and 20). The Andrews reference clearly teaches an instruction means receiving instructions from a user regarding the energy subtraction procedures to be performed before the processing is performed. The Examiner believes the combination of the teachings of Shimura and Andrews (as applied to claim 24) and Shimura, Sones and Andrews (as applied to claim 26), teach all the limitations of claims 24 and 26 as presently recited, and that such a combination of the teachings as presented in the Previous Office Action would have been obvious to one of ordinary skill in the art at the time the invention was made.